APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,354	11/29/2001	Yvon Legallais	PF990032	1341

			EXAMINER
7590	10/04/2005		PATEL, ASHOKKUMAR B

Joseph S Tripoli
Thomson Multimedia Licensing
CN 5312
Princeton, NJ 08540-0028

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action *Before the Filing of an Appeal Brief*	Application No.	Applicant(s)
	09/980,354	LEGALLAIS ET AL.
	Examiner	Art Unit	
	Ashok B. Patel	2154	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>15 September 2005</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See continuation sheet:.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____.

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

U.S. Patent and Trademark Office

PTOL-303 (Rev. 7-05)   **Advisory Action Before the Filing of an Appeal Brief**   Part of Paper No. 20050930

Continuation sheet:

Rejection of claims 1-4, 7-10 and 12-14 under 35 USC 102(b) as being anticipated by Tai, T., Gerla, M., "LAN interconnection; a transparent, short- path approach" IEEE International Conference on Communications, 23-26, June 1991, pages 1666-1670, vol. 3 (hereinafter, "Tai")

Applicant's argument:
"The present invention involves a method for building a routing table by performing an iterative process that includes exchanging routing table data between two portals of a bridge, concatenating received routing table data with the routing table data of a given portal, exchanging the routing table data between the portals connected to the same bus, and concatenating the received routing table data with routing table data of the given portal."

Examiner's response:
Tai teaches as claim 1 recites: (a) transmitting, by a given portal, routing table data stored by said given portal to a companion portal associated with said given portal and receiving, by said given portal, routing table data from the companion portal; and (b) concatenating said routing table data received in step (a) with the contents of the routing table data stored by said given portal (page 1669, col. 1, third paragraph: new station Ids added to routing table based on data transmitted between ports of brouters).

As shown in Fig. 1 of Tai on page 1667 is the forwarding database of a specific port of a brouter and which is implemented at each port of the brouter, and as disclosed on page 1666 of Tai, "the forwarding database at each port is constructed by exchanging the delay tables periodically among the brouters attached to the same LAN.

Rejection of claims 5 and 6 under 35 USC 103(a) as being unpatentable over Tai and further in view of Garcia (US Published Application 20020049561)

Applicant's argument:
"However, even assuming arguendo that Garcia teaches the above, applicants submit that the alleged teachings still fail to cure the defect of Tai as applied to claim 1 as discussed above."

Examiner's response:
As stated in the previous Office Action, "Garcia teaches that the routing table data transmitted or broadcast by a given portal contains the entire routing table (Abstract lines 6-.14)." Matter of fact, Garcia also suggest "Bellman-Ford algorithm to calculate the shortest path as does Tai. This problem solving methodology of Garcia is of a paramount importance for curing the deficiency of Tai and not the type of network.

Rejection of claim 11 under 35 USC 103(a) as being unpatentable over Tai and further in view of Oechsle (US Pat. No. 5570466)

Applicant's argument:
"However, even assuming arguendo that Oechsle teaches the above, applicants submit that the alleged teachings of Oechsle still fail to cure the defect of Tai as applied to claim 1 as discussed above.

Examiner's response:
Oechsle teaches selecting the path to a given remote bus as a function of the bandwidth of portals on said path (col. 4, lines 45-55), and therefore, the one of ordinary skill in this art will combine the teaching of Tai and Oechsle because they both deal with updating bridge routing tables to select paths to a remote network. Furthermore, the teaching of Oechsle to modify the path selection taught by Tai to select a path as a function of portal bandwidth would allow picking the most capable path for transmission thus maximizing efficiency (See Oechsle col. 4, lines 53-55).